

Notice of Allowability

Application No.

10/501,971

Examiner

Mark T. Le

Applicant(s)

KOWALSKI, MARTIN

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed on September 5, 2006.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Frank Jordan on October 3, 2006.

In claim 1, line 12, "for connecting" has been changed to -- that weld together --; and line 13, "parts to" has been changed to -- parts of --.

In claim 8, line 13, "welding" has been changed to -- welding together --; line 14, "parts to" has been changed to -- parts of --; and line 15, "job site" has been changed to -- installation site --.

3. As discussed with Mr. Jordan, the examiner indicated that independent claims 1 and 8 needed a further clarification as set forth above to better define the instant claimed invention over the prior art of record, i.e. Vanotti '964. Mr. Jordan accepted the examiner's proposal and authorized the examiner's amendments as set forth above.

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance: Sonnevile '866 and Javelle '924, disclose concrete tie blocks interconnected by V-shaped angled bar joists having with no adjustment capability; Killinger '829 discloses composite tie blocks joined by protruding reinforcement parts that are interconnected by mechanical fasteners, which do not appear to permit adjustments; Quimby '240 discloses concrete tie blocks joined by protruding reinforcement parts that are interconnected by mechanical fasteners, which allow adjustments within a very limited range; and Vanottie '964 discloses tie plates interconnected by bars, wherein, one of the bars has a sleeve welded thereon for receiving the other bar and forming an adjustable connection with the other bar via a mechanical fastener. The prior art of record, taken singly or in combination, does not suggest the combination of features, as recited in independent claims 1 and 8. With respect to Vanottie '964, it does not teach prefabricated concrete blocks, V-shaped angled bar joists, and installation side provided welded connections that weld together the protruding reinforcement parts of longitudinal adjacent ones of the blocks. Note that in Vanotties, sleeve 5 welded to the first section of bar 4, and bolted to the second section of bar 4 is not readable as a welded connection that welds together the first and second sections of bar 4. Other references of the prior art of record do not teach welded connections in the specific combination of elements as recited in instant claims 1 and 8. It is noted that the difference between a welded connection and a mechanical connection, by itself in general, is not patentably significant; however, the patentability in the instant case is in the combination of the

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features of the instant claimed invention considered as the whole, which appears to offer simpler structures and greater adjustment flexibilities at the connections between the protruding reinforcement parts so as to achieve a desired spacing between the associated tie blocks.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 571-272-6682. The examiner can normally be reached on Mon-Fri (9-6), except day-off Wed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Mark T. Le
Primary Examiner
Art Unit 3617

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10/03/06